DETAILED ACTION

1. This non-final office action is in response to the Election filed 27 December 2007.

2. Claims 1-28 are pending. Claims 10-19 are withdrawn as being directed toward non-elected subject matter. Claims 1 and 20-25 are independent claims.

Election/Restrictions

3. Applicant's election without traverse of claims 1-9 and 20-28 in the reply filed on 27 December 2007 is acknowledged.

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on 3 January 2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

5. Claims 6 and 7 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim may not depend upon another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims, 6 and7, have not been further treated on the merits.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 6-7, 9, 26, and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 6 and 7 are rejected under 35 U.S.C. 112 as being in improper form because a multiple dependent claim may not depend upon another multiple dependent claim. Both claims 6 and 7 depend, in the alternate form, upon claim 4, a multiple dependent claim.

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. Specifically, the applicant claims, “wherein said markup document is structured according to a markup language as XML, SGML, or similar (claim 9, lines 1-2)." It is unclear which types of documents are similar to XML and SGML. Further, this claim does not define a degree of similarity which document must meet in order to meet the claim language. Therefore, this claim is an omnibus type claim.

Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. Specifically, the applicant claims, wherein said first unit (710) is any of a mobile station, a mobile phone, a palm size computer or similar (claim 26, lines 1-2)." It is unclear which units of documents are similar to a mobile station, a mobile phone, or a palm size computer. Further, this claim does not define a degree of similarity which the unit must

meet in order to meet the claim language. Therefore, this claim is an omnibus type claim.

As per claim 28, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claims 21-23 and 25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As per independent claim 21, the applicant discloses “a computer readable program code means (claim 21, line 1).” These computer readable program code means consist of software means, such as instruction sets, without any functional hardware components. Therefore, claim 21 discloses a computer program, and is non-statutory.

As per independent claims 22 and 25, the applicant discloses an “article of manufacture (claim 22)" and a “system (claim 25).” Neither the article of manufacture of claim 22, nor the system of claim 25 provide any functional hardware components. Therefore, these claims are directed toward software, functional descriptive material. Therefore claims 22 and 25 are non-statutory.

As per independent claim 23, the applicant discloses, "a propagated signal (line 1)." A signal fails to fall within one of the four statutory categories, and is therefore non-statutory. Claims 23 is therefore non-statutory.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

11. Claims 1-5, 8-9, and 20-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Moon et al. (US 6711740, filed 17 January 2002, hereafter Moon).

As per independent claim 1, Moon discloses a method for compressing a data set having a markup hierarchy and comprising data having parts having first values, the data set being arranged according to a definition part, the method comprising the steps of:

Assigning at least said data parts with codes having less values than said first values (column 3, lines 31-63; column 5, lines 29-64)

Replacing said data parts in said data by said assigned codes and producing a compressed data set (column 3, lines 31-63; column 5, lines 29-64: Here, tags contained within the data set are compressed by replacing the tags using selected compression codes from a DTD to generate a compressed data set)

As per dependent claim 2, Moon discloses wherein the markup hierarchy refer to a reference comprising a second markup hierarchy which are resolved and assigned with codes (column 3, lines 31-63: Here, the DTD is a second hierarchy. The DTD contains the data referenced by the compression codes).

As per dependent claim 3, Moon discloses wherein each code is unique (column 6, lines 62-76).

As per dependent claim 4, Moon disclose wherein each code replaces a markup hierarchy in said data set is assigned a value pointed out by the markup hierarchy (column 5, lines 59-64; column 6, lines 49-61: Here, the values contained in the hierarchy are contained in a DTD, allowing for compression/decompression of the compressed document).

As per dependent claim 5, Moon discloses wherein a code replacing a markup hierarchy in the data set is assigned a value comprised by a reference pointed out by the markup hierarchy (column 5, lines 59-64; column 6, lines 49-61).

As per dependent claim 8, Moon discloses wherein the definition part is a DTD or an XML-schema and the data set is a markup document (column 3, lines 1-9).

As per dependent claim 9, Moon discloses wherein the markup document is structured according to a markup language as XML, SGML, or similar (column 1, lines 56-67).

As per independent claims 20-25, the applicant discloses the limitations similar to those in claim 1. Claims 20-25 are similarly rejected.

As per dependent claims 26-28, Moon discloses wherein the first unit is any of a mobile station, a mobile phone, a palm size computer, a computer, or similar (column 2, lines 45-52); wherein the first unit is a remote control or monitoring device (column 2, lines 45-52); and wherein the second unit a remote controlled arrangement such as robot, a vehicle, or missile (column 2, lines 45-52).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KYLE R. STORK whose telephone number is (571)272-4130. The examiner can normally be reached on Monday-Friday (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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